

**REMARKS**

The Examiner's action mailed on December 17, 2004 has been received and its contents carefully considered.

Claims 1-4 are pending in this application. Claims 1 and 3, the independent claims, are amended herein to more clearly reflect the invention disclosed in the application. New claims 5-8 are added to recite additional features disclosed in the application.

In the Action, the Examiner objects to the title of the invention as not being descriptive. The title is amended herein to be clearly indicative of the invention to which the claims are directed. Approval of the new title and withdrawal of the Examiner's objection is respectfully requested.

Claims 1-4 stand rejected under 35 U.S.C. §102(e) as being anticipated by Eloranta (PCT/EP99/01760, Int'l Publ. No. WO 00/56019, Sept. 21, 2000). For at least the following reasons, it is respectfully submitted that the amended claims patentably distinguish over the applied prior art.

With regard to claim 1, the Examiner argues that the Gateway GPRS Support Node (GGSD) in Eloranta has all of the elements of the claimed communication terminal apparatus. Specifically, the Examiner asserts that the GGSN (*a communication apparatus*) comprises a means for controlling communication (*communication control means*) between a Serving GPRS Support Node (SGSN) (*a communication apparatus*) and a Lawful Interception Gateway (LIG) (*a communication intercepting apparatus*). The Examiner asserts Eloranta also discloses (Figures 2 and 4; page 10, lines 1-10) that the GGSN receives an interception request from an Interception Activation/Deactivation (IAD) function in the LIG (*monitoring request recognizing means for recognizing reception/non-reception of a monitor request signal from said communication apparatus*). The Examiner further asserts Eloranta discloses that upon receipt of an interception request from the IAD function in the LIG, the IDC function in the GGSN will initiate the interception of data packets originated from the SGSN to the GGSN (*monitoring data generating means for generating monitoring data*). According to the Examiner, Eloranta discloses that the intercepted data packet will be transferred to the destination in accordance with the Destination Information (D) in the interception activation message received by the GGSN

(figures 2 and 4; page 10, lines 1-10; page 12, lines 6-14) (*monitoring data generating means for sending monitoring data to this said communication means*).

The applicant respectfully submits that the invention disclosed in Eloranta is significantly different from the one claimed in the present application. In Eloranta, the intercept data collection (IDC) function is shown in Figure 4 as located in the GGSN. Although the GGSN may appear superficially to have some of the functionality of the "communication terminal apparatus" recited in claim 1, there is really no teaching or suggestion that the GGSN functions as a "terminal" device in the packet network of Eloranta, certain not in the same sense that the term is used in the present application (see for example, Figure 1 and page 5, lines 23-26). We note that in the Action, the Examiner uses the term "communication apparatus" in referring to the GGSN, as well as the SGSN, but never actually refers to them as "communication terminal apparatus." Contrary to the Examiner's assertions, it is submitted that the GGSN and the SGSN of Eloranta correspond to the Gate Keeper and the Gateway disclosed the present application (see Figure 4-6 and the accompanying discussion in the present application), rather than communication terminals 102 and 103.

Thus, the present invention and Eloranta use basically different techniques for intercepting communication data. In the present invention, monitoring data, which includes communication data transmitted to another communication terminal apparatus and communication data received from that other communication terminal apparatus, is generated at the communication terminal being monitored and transmitted to a communication intercepting terminal in response to the reception of a monitor request signal. In Eloranta, on the other hand, the communication terminal being monitored is not actively involved in the interception process. Rather, the GGSN, which appears to be a form of gate keeper, has an interception data collection (IDC) function that receives an interception activation message from the IAD function, and in response, creates a subscriber connection for transmitting intercepted data to an interception destination (IDD) (see for example, page 3, lines 17-30). The key to the technique in Eloranta is a "fake" subscriber identity that is allocated by the IAD and used by the IDC to create the subscriber connection for diverting communication data being transmitted to or received from a particular terminal in the packet network (see page 8, lines 24-30).

Further, Eloranta fails to disclose specific features of the present invention recited in claim 1. For example, Eloranta teaches, on page 12, lines 6-14, that “[t]he IDC function in the GGSN receives a G-PDU (TID) data packet, in case a data is originally transferred in an intercepted tunnel, e.g. from an SGSN to the Internet, as shown in figure 4. The intercepted data is transferred via the just created GPRS tunnel to the IDD function arranged in the LIG.” In other words, the GGSN, which includes the IDC function, collects the intercepted data in response to the activation received from the IAD function in the LIG, and through the secret tunnel shown in figure 4, the GGSN transfers the intercepted data to the IDD function in the LIG.

In the present invention, by contrast, the monitor terminal recognizes that the communication terminal is busy when it receives a call release request signal in response to an initial call connect request signal, and subsequently transmits a recall connection request to the communications terminal to start the communication intercept (see, for example, application page 12, line 14 through page 13, line 12). Eloranta fails to disclose a “monitor request recognizing means for recognizing reception/non-reception of a monitor request signal from said communication intercepting apparatus while said communication terminal apparatus is busy communicating with said another communication terminal apparatus (emphasis added),” as amended claim 1 requires. It is respectfully submitted that Eloranta fails to teach or suggest any connection at all between the establishment of the secret tunnel for intercepting communication and the state of business of the terminal being monitored.

Regarding claim 2, the Examiner points to Eloranta as disclosing (Figures 2 and 4; page 10, lines 1-10) that the GGSN receives an interception request from the Interception Activation/Deactivation (IAD) function in the LIG when the interception function is required (*a monitoring request signal is received by said receiving means as an option to a recall connect request signal*).

As noted above, the interception activation function in the present invention differs significantly from that Eloranta. There appears to be no disclosure in Eloranta regarding the detailed nature of the interception request signal sent from the IAD to the GGSN, and certainly no suggestion that the monitoring request signal in Eloranta is specifically an option that is added to the standard recall connect request signal used in a packet network.

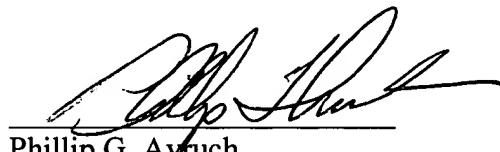
In the Action, claims 3 and 4 are rejected for very much the same reasons as claims 1 and 2. It should be clear from the forgoing discussion that claims 3 and 4 also patentably distinguish over the Eloranta reference. New claims 5-8 recite additional features that the applicant also believes independently distinguish over the applied prior art.

All of the objections and claim rejections in the Action having been addressed, it is respectfully submitted that the application, as amended, is in condition for allowance.

Notice of such allowance, with claims 1-8, is earnestly solicited.

Should the Examiner believe that an interview would be helpful in resolving any open issues regarding this application, the Examiner is respectfully invited to call the undersigned attorney to schedule of such an interview.

Respectfully submitted,



Phillip G. Ayruch  
Registration No. 46,076  
RABIN & BERDO, P.C.  
Customer No. 23995  
Telephone : (202) 371-8976  
Telefax : (202) 408-0924  
E-mail : firm@rabinchamp.com

PGA/